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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,435	11/30/2001	Hans Burger	10537/185A	9723

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EXAMINER

WILLIAMS, ERIC M

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,435

Applicant(s)

BURGER HANS

Examiner

Eric M Williams

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-- Th MAILING DATE of this communication app ars on th cov r sh t with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. This action is in response to the papers filed 04/21/2003 for serial number 10/000,435.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *roller bearing pair* (claim 3), the *X arrangement* (claims 3 and 7), and the *second angular roller bearing* (claim 7) of the bearings must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kummich et al. ('020).

Kummich (Fig. 1) discloses a parking lock mechanism comprising a roller bearing outer race (9 has an outer race), an arrangement and a means for connecting the roller

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bearing outer race in a form fitting rotationally fixed manner to the transmission housing (22 is attached to bearing outer race 9 and 22 is connected to housing 11 via 12), an axially displaceable body (23), the body lockable with respect to the roller bearing outer race (the body 23 locks to 20 via 19 and 20 is connected to 22 and 22 is attached to outer race of bearing 9), and the locking mechanism locked when the parking lock mechanism is engaged, the roller bearing outer race including a gearing arranged on an end face (the gear 20 is arranged on end face of 22).

5. Claims 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallace ('502).

Wallace (Fig. 2) discloses a roller bearing outer race (69 and 67 is the outer race of bearing 73), an arrangement configured or a means for form-fitting torque transmission to a housing (the takeoff device of Wallace can be configured for form fitting torque transmission to housing 31), and a gearing arranged on a face of the roller bearing outer race engageable with a corresponding gearing (67 is engageable with 71).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 3 and 4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kummich ('020) in view of Buch et al. ('072).

Kummich discloses all the limitations of claims 3 and 4, but lacks the teaching of an X-arrangement bearing pair. Buch et al. (Fig. 1) discloses an X-arrangement roller bearing pair on a transmission shaft for absorbing axial loads. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kummich such that it had an X-arrangement roller bearing pair, in view of Buch, to absorb axial loads propagating through the driveline.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kummich in view of Buch as applied to claims 3 and 4 above, and further in view of Yarnell ('719).

Kummich in view of Buch discloses all the limitations of claim 5, but lacks any specific disclosure of the transmission housing including a light metal casted part. Yarnell teaches a transmission housing made of a casted aluminum material. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify Kummich in view of Buch such that the housing was a light metal casted part, in further view of Yarnell, to reduce the weight.

9. Claims 7 and 8, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace ('502) in view of Buch et al. ('072).

Wallace discloses all the limitations of claims 8 and 9, but lacks the teaching of an X-arrangement bearing pair. Buch et al. (Fig. 1) discloses an X-arrangement roller bearing pair on a transmission shaft for absorbing axial loads. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wallace

such that it had an X-arrangement roller bearing pair, in view of Buch, to absorb axial loads propagating through the driveline.

Response to Arguments

10. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



EMW

June 26, 2003



CHARLES A MARMOR
SUPERVISORY PATENT EXAMINER
APT UNIT 3681